

323-04/MEU

FREEHILL HOGAN & MAHAR, LLP
Attorneys for Plaintiff
HBC Hamburg Bulk Carriers GmbH & Co. KG
80 Pine Street
New York, NY 10005
Tel. (212) 425-1900 / Fax (212) 425-1901
Michael E. Unger (MU 0045)
Lawrence J. Kahn (LK5215)

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
HBC HAMBURG BULK CARRIERS GMBH
& CO. KG,

Plaintiff,

-against-

PROTEINAS Y OLEICOS S.A. DE C.V.,

Defendant.
-----X

04 CIV 6884 (NRB)

AFFIRMATION OF MICHAEL E.
UNGER IN SUPPORT OF
PLAINTIFF'S MEMORANDUM OF
LAW IN OPPOSITION TO
DEFENDANT'S MOTION TO
VACATE ATTACHMENTS

MICHAEL E. UNGER, being duly sworn, hereby affirms the following under penalty of perjury:

1. I am a partner with the law firm of Freehill, Hogan & Mahar, attorneys for Plaintiff HBC Hamburg Bulk Carriers GmbH & Co. KG, and as such, I am fully familiar with the facts and circumstances surrounding this action.

2. I submit this Affirmation in support of Plaintiff's Memorandum Of Law In Opposition To Defendant's Motion To Vacate Attachments.

3. Attached hereto as EXHIBIT 1 is a copy of the Order of Attachment dated August 25, 2004.

4. Attached hereto as EXHIBIT 2 is a copy of the Process of Maritime Attachment and Garnishment issued by the Clerk of the U.S. District Court for the Southern District of New York dated August 25, 2004.

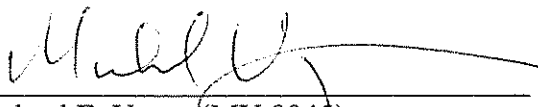
5. Attached hereto as EXHIBIT 3 is a copy of the Process of Maritime Attachment and Garnishment issued by the Clerk of the U.S. District Court for the District of South Carolina dated January 7, 2005.

6. Attached hereto as EXHIBIT 4 is a copy of the Affidavit of Service of the South Carolina papers on the Bank of America branch that is holding PROTEINAS' funds.

7. Attached hereto as EXHIBIT 5 is a telefax from Healy & Baillie dated September 23, 2004.

Dated: New York, New York
January 18, 2004

FREEHILL HOGAN & MAHAR, LLP
Attorneys for Plaintiff
HBC Hamburg Bulk Carriers GmbH & Co. KG

By: 
Michael E. Unger (MU 0045)

80 Pine Street
New York, NY 10005
Telephone: (212) 425-1900
Facsimile: 212 425-1901